

**U.S. District Court
Northern District of Ohio (Cleveland)
CIVIL DOCKET FOR CASE #: 1:12-cv-02007-CAB**

Klopfenstein et al v. Fifth Third Bank
Assigned to: Judge Christopher A. Boyko
Demand: \$5,000,000
Cause: 28:1332 Diversity-Contract Dispute

Date Filed: 08/03/2012
Date Terminated: 10/31/2012
Jury Demand: Plaintiff
Nature of Suit: 190 Contract: Other
Jurisdiction: Diversity

Plaintiff

William R. Klopfenstein
*On Behalf of Himself and All Others Similarly
Situated*

represented by **Daniel Frech**
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Plaintiff

Adam McKinney

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Situated*

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Plaintiff

Donald E. Adanich

*on Behalf of Themselves and All Others
Similarly Situated*

represented by **Donald E. Adanich**

PRO SE

Plaintiff

Lyn A. Adanich

*on Behalf of Themselves and All Others
Similarly Situated*

represented by **Lyn A. Adanich**

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Plaintiff

Scott D. Little

represented by **Scott D. Little**

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V.

Defendant

Fifth Third Bank

represented by **Brett A. Wall**

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Date Filed	#	Docket Text
08/03/2012	<u>I 1</u>	Complaint with jury demand (<i>Class Action</i>) against Fifth Third Bank. Filing fee paid \$ 350, Receipt number 0647-5501058. Filed by William R. Klopfenstein, Adam McKinney. (Attachments: # <u>1</u> Exhibit A – Big Bank Payday Loans, # <u>2</u> Exhibit B – Guide to Key Features of Fifth Third Early Access, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons) (Scott, Stuart) Modified text on 8/6/2012 (C,B). Modified on 8/7/2012 to remove double wording (P,G). (Entered: 08/03/2012)
08/06/2012	<u>I</u>	Judge Christopher A. Boyko assigned to case. (C,B) (Entered: 08/06/2012)
08/06/2012	<u>I</u>	Random Assignment of Magistrate Judge pursuant to Local Rule 3.1. In the event of a referral, case will be assigned to Magistrate Judge Vecchiarelli. (C,B) (Entered: 08/06/2012)
08/06/2012	<u>I 2</u>	Original Summons and Magistrate Consent Form issued for service upon Fifth Third Bank. (Attachments: # <u>1</u> Magistrate Consent Form) (C,B) (Entered: 08/06/2012)
08/10/2012	<u>I</u>	Service by Clerk. Summons and Complaint addressed to Fifth Third Bank placed in U.S. Mail. Type of service: certified mail. Receipt # 70111570000002336981. (C,BA) (Entered: 08/10/2012)
08/15/2012	<u>I 3</u>	Return of Service by Clerk by certified mail executed upon Fifth Third Bank, no date of service indicated on green card, filed on behalf of All Plaintiffs. Related document(s) <u>1</u> . (B,B) (Entered: 08/15/2012)
08/23/2012	<u>I 4</u>	Unopposed Motion for extension of time until October 4, 2012 to answer filed by Defendant Fifth Third Bank. Related document(s) <u>1</u> . (Fanter, G.) (Entered: 08/23/2012)

08/23/2012	<u>I</u>	Order [non-document] granting Defendant's unopposed <u>4</u> Motion for Extension of Time until 10/4/2012 to Answer. Judge Christopher A. Boyko on 8/23/2012.(H,CM) (Entered: 08/23/2012)
09/06/2012	<u>I</u> <u>5</u>	Motion for attorney Hassan A. Zavareei, Esq. to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-5568234, filed by William R. Klopfenstein, Adam McKinney. (Attachments: # <u>1</u> Exhibit A – Affidavit of Hassan A. Zavareei, Esq. with Certificates of Good Standing)(Scott, Stuart) (Entered: 09/06/2012)
09/06/2012	<u>I</u> <u>6</u>	Motion for attorney Jeffrey D. Kaliel, Esq. to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-5568276, filed by William R. Klopfenstein, Adam McKinney. (Attachments: # <u>1</u> Exhibit A – Affidavit of Jeffrey D. Kaliel, Esq. with Certificates of Good Standing)(Scott, Stuart) (Entered: 09/06/2012)
09/11/2012	<u>I</u>	Order [non-document] granting Plaintiffs' Motion for attorneys Hassan A. Zavareei and Jeffrey D. Kaliel to appear pro hac vice (Related Doc #'s <u>5</u> , <u>6</u>). Local Rule 5.1(c) requires that attorneys register for CM/ECF and file and receive all documents electronically. The CM/ECF registration form can be found at www.ohnd.uscourts.gov under Forms. Judge Christopher A. Boyko on 9/11/2012.(H,CM) (Entered: 09/11/2012)
09/18/2012	<u>I</u> <u>7</u>	Notice of Case Management Conference. Conference to be held on 10/25/2012 at 02:00 PM at Chambers 15B. Judge Christopher A. Boyko on 9/18/2012. (Attachments: # <u>1</u> Report of Parties' Planning Meeting, # <u>2</u> Consent Package)(H,CM) (Entered: 09/18/2012)
09/24/2012	<u>I</u> <u>8</u>	Unopposed Motion for extension of time until October 24, 2012 to answer filed by Defendant Fifth Third Bank. Related document(s) <u>1</u> . (Fanter, G.) (Entered: 09/24/2012)
09/24/2012	<u>I</u>	Order [non-document] granting Defendant's unopposed <u>8</u> Motion for Extension of Time until 10/24/2012 to Answer. Judge Christopher A. Boyko on 9/24/2012.(H,CM) (Entered: 09/24/2012)
10/10/2012	<u>I</u> <u>9</u>	Order to Show Cause. Parties shall file cross-briefs, no more than five pages in length, by 10/16/2012 on the issue of whether venue is appropriate in the U.S. District Court for the Northern District of Ohio, or in the U.S. District Court for the Southern District of Ohio, Western Division, which encompasses Cincinnati. Judge Christopher A. Boyko on 10/10/2012. (H,CM) (Entered: 10/10/2012)
10/16/2012	<u>I</u> <u>10</u>	Response to show cause regarding venue filed by William R. Klopfenstein, Adam McKinney. Related document(s) <u>9</u> . (Scott, Stuart) Modified event to a response on 10/17/2012 (P,G). (Entered: 10/16/2012)
10/16/2012	<u>I</u> <u>11</u>	Cross Brief <i>Explaining Why The Most Convenient Venue Is The Southern District of Ohio, Western Division</i> filed by Fifth Third Bank. Related document(s) <u>10</u> , <u>9</u> . (Fanter, G.) (Entered: 10/16/2012)
10/18/2012	<u>I</u> <u>12</u>	Unopposed Motion to excuse appearance <i>of the defendant Fifth Third Bank at the October 25, 2012 case management conference</i> filed by Defendant Fifth Third Bank. Related document(s) <u>7</u> . (Fanter, G.) (Entered: 10/18/2012)
10/18/2012	<u>I</u> <u>13</u>	Motion to excuse appearance <i>of Plaintiffs at the 10/25/2012 Case Management Conference</i> filed by William R. Klopfenstein, Adam McKinney. Related document(s) <u>7</u> . (Scott, Stuart) (Entered: 10/18/2012)
10/22/2012	<u>I</u> <u>14</u>	Report of Parties' Planning Meeting <i>Under Fed. R. Civ. P. 26(f) and L.R. 16.3(b)</i> , parties do not consent to this case being assigned to the magistrate judge, filed by All Parties. (Scott, Stuart) (Entered: 10/22/2012)
10/23/2012	<u>I</u> <u>15</u>	Motion for attorney Ben Barnow to Appear Pro Hac Vice. Filing fee \$ 100, receipt number 0647-5650427, filed by William R. Klopfenstein, Adam McKinney. (Attachments: # <u>1</u> Exhibit A – Affidavit of Ben Barnow, Esq., # <u>2</u> Exhibit 1 of Affidavit – Certificate of Admission to the Bar

		of Illinois)(Scott, Stuart) (Entered: 10/23/2012)
10/23/2012	<u>15</u>	Order [non-document] as moot Unopposed Motion to excuse Fifth Third Bank's Attendance (Related Doc # <u>12</u>); moot Plaintiff's Motion to excuse Plaintiff's Attendance (Related Doc # <u>13</u>). Case management conference on 10/25/2012 is cancelled until further order of the Court. Judge Christopher A. Boyko on 10/23/2012.(R,D) (Entered: 10/23/2012)
10/24/2012	<u>16</u>	Motion to dismiss for failure to state a claim filed by Defendant Fifth Third Bank. Related document(s) <u>1</u> . (Attachments: # <u>1</u> Brief in Support, # <u>2</u> Exhibit A--Early Access Program Terms & Conditions)(Fanter, G.) (Entered: 10/24/2012)
10/25/2012	<u>17</u>	First Amended complaint against All Defendants and adding new party plaintiff(s) D. Scott Little, Donald E. Adanich and Lyn A. Adanich, Filed by William R. Klopfenstein, Adam McKinney. (Attachments: # <u>1</u> Exhibit A – Big Bank Payday Loans, # <u>2</u> Exhibit B – Guide to Key Features of Fifth Third Early Access, # <u>3</u> Praeipce, # <u>4</u> Summons) (Scott, Stuart) Modified on 10/30/2012 to add Donald E. and Lyn A. Adanich (P,G). (Entered: 10/25/2012)
10/25/2012	<u>18</u>	Order [non-document]granting Motion for appearance pro hac vice by attorney Ben Barnow for William R. Klopfenstein and Adam McKinney. Local Rule 5.1(c) requires that attorneys register for CM/ECF and file and receive all documents electronically. The CM/ECF registration form can be found at www.ohnd.uscourts.gov under Forms. (Related Doc # <u>15</u>). Judge Christopher A. Boyko on 10/25/2012.(R,D) (Entered: 10/25/2012)
10/26/2012	<u>18</u>	Motion for leave to File Supplemental Venue Brief Pursuant to Plaintiffs' Filing of Their <u>17</u> First Amended Complaint filed by William R. Klopfenstein, Adam McKinney. (Scott, Stuart) Modified text and created link on 10/30/2012 (P,G). (Entered: 10/26/2012)
10/26/2012	<u>19</u>	DOCUMENT IS STICKEN -- Motion for leave to file was denied. Supplemental Brief (<i>of Venue</i>) Pursuant to Filing of Plaintiffs' First Amended Complaint filed by All Plaintiffs. (Scott, Stuart) Modified on 10/30/2012 (H,CM). (Entered: 10/26/2012)
10/30/2012	<u>18</u>	Order [non-document] denying Plaintiffs' Motion for leave to file supplemental venue brief (Related Doc # <u>18</u>). The Court is aware that an amended pleading was filed on 10/25/2012 and does not require supplemental briefing. Judge Christopher A. Boyko on 10/30/2012.(H,CM) (Entered: 10/30/2012)
10/31/2012	<u>20</u>	Opinion and Order. In the interest of justice, and for the convenience of parties and witnesses, the Court finds that this matter should be transferred. The Court ORDERS this case transferred, pursuant to 28 U.S.C. § 1404(a) to the United States District Court for the Southern District of Ohio, Western Division, which encompasses Cincinnati, and declines to consider the merits of Defendant's Motion to Dismiss (Related doc # <u>16</u>). Judge Christopher A. Boyko on 10/31/2012. (H,CM) (Entered: 10/31/2012)
10/31/2012	<u>21</u>	Judgment. The Court has filed its OPINION AND ORDER transferring the case to the United States Court for the Southern District of Ohio, Western Division, pursuant to 28 U.S.C. § 1404(a). Accordingly, this action is terminated pursuant to Federal Rule of Civil Procedure 58. Judge Christopher A. Boyko on 10/31/2012. (H,CM) (Entered: 10/31/2012)